

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s):	Jeremy R. Ziegler		
Assignee:	Dell Products L.P.		
Title:	System and Method for Preintegration of Updates to an Operating System		
Serial No.:	10/766,984	Filed:	January 29, 2004
Examiner:	Tuan A. Vu	Group Art Unit:	2193
Docket No.:	DC-05956	Customer No.:	33438

---

Austin, Texas  
May 21, 2008

*Electronically Filed*  
Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REPLY BRIEF UNDER 37 CFR § 41.41**

Dear Sir:

Applicants submit this Reply Brief pursuant to the Examiner's Answer mailed in this case on April 30, 2008. It is believed that no fees are due in connection with the filing of this Reply Brief, however, the Commissioner is authorized to deduct any amounts required for this Reply Brief and to credit any amounts overpaid to Deposit Account No. 502264.

Applicants agree that the Examiner should broadly construe the claim language, however, the Examiner's broad construction cannot ignore the context provided by the written description. The Examiner seems to argue that shutting down and then restarting the secondary operating system is removing and updating the secondary operating system. Applicants respectfully traverse. Goodman does not disclose extracting an update file from an operating system update as is recited by Claim 10 and supported by Applicants' written description. Should the Examiner find the construction of the claims unclear or disjointed, then the Examiner should have rejected the Claims under Section 112, second paragraph. The Examiner has not done so and the recited "extracting" is not indefinite. Accordingly, Applicants respectfully request that the Board reverse the rejections based on Goodman.

For the above reasons, Applicants respectfully submits that the Examiner's rejections of Claims 10-18 are unfounded and should be reversed.

I hereby certify that this correspondence is being electronically submitted to the COMMISSIONER FOR PATENTS via EFS on May 21, 2008.

*/Robert W. Holland/*

\_\_\_\_\_  
Attorney for Applicant(s)

Respectfully submitted,

*/Robert W. Holland/*

Robert W. Holland  
Attorney for Applicant(s)  
Reg. No. 40,020